

REMARKS

Claims 1, 2 and 5-14, and 56-66 are pending in this application. By this Amendment, the title is amended, claims 1, 9, 10 and 66 are amended, claims 3, 4 and 15-55 are canceled.

In particular, claim 1 is amended to incorporate the subject matter recited in claims 3 and 4, and to recite a magnetic write gap formed in a laser beam output position in the laser beam output surface, and having a length smaller than a spot diameter of the laser beam in the laser beam output surface. (See the specification at for example, page 6, lines 7-9, page 13, lines 13-16 and Fig. 3A) Accordingly, claims 3 and 4 are canceled.

Reconsideration of the application is respectfully requested.

Applicant appreciates the Office Action's indication that claim 8 is allowed.

The Office Action maintains the finality of the Restriction Requirement. Applicant respectfully submits that, based on the patentability of claim 1, as discussed below, claims 12-14 and 56-65 should be rejoined because of their dependence on claim 1.

Claims 15-55 are canceled, without prejudice or disclaimer, in view of the finality of the Restriction Requirement. Applicant expressly reserves the right to file a divisional application to further pursue the subject matter recited therein.

The Office Action objects to the title. The title is amended. Withdrawal of the objection to the title is respectfully requested.

The Office Action rejects claims 1, 2, 11 and 66 under 35 U.S.C. §103(a) over either U.S. Patent No. 6,272,097 to Nakao et al. in view of U.S. No. Patent 5,402,293 to Smith, or, alternatively, U.S. Patent No. 5,199,090 to Bell in view of U.S. Patent No. 5,986,978 to Rottmayer et al. This rejection is respectfully traversed.

The Office Action admits that Nakao does not disclose or suggest a pair of poles opposed to each other to form a magnetic write gap. However, the Office Action asserts that

Smith discloses this feature. Applicant respectfully submits that Nakao and Smith, either individually or in combination, do not disclose, teach or suggest a magnetic write gap having a length smaller than a spot diameter of the laser beam in the laser beam output surface, as recited in claims 1, 2, 5-7, 9-14 and 56-66.

As admitted by the Office Action, Nakao does not disclose or suggest a pair of poles opposed to each other to form a magnetic write gap. Therefore, Nakao does not disclose, teach or suggest a magnetic write gap having a length smaller than a spot diameter of a laser beam in a laser beam output surface, as recited in claims 1, 2, 5-7, 9-14 and 56-66.

Smith discloses a magnetic head in which a laser beam passes through an aperture 322. See Fig. 4 and column 6, lines 17-28 of Smith. Nowhere does Smith disclose, teach or suggest a magnetic gap having a length smaller than the spot diameter of the laser beam in the laser beam output surface. Accordingly, Smith does not supply the subject matter admitted above as lacking in Nakao. Thus, Nakao and Smith, either individually or in combination, do not disclose, teach or suggest the subject matter recited in claims 1, 2, 5-7, 9-14 and 56-66.

The Office Action admits that Bell does not disclose, teach or suggest a thin film structure. However, the Office Action asserts that Rottmayer discloses this feature. Applicant respectfully submits that Bell and Rottmayer, either individually or in combination, do not disclose, teach or suggest a magnetic write gap having a length smaller than a spot diameter of the laser beam in a laser beam output surface, as recited in claims 1, 2, 5-7, 9-14 and 56-66.

Bell discloses a device in which a laser beam passes through a common waveguide 73i onto a medium 76. See Fig. 11 and column 10, lines 66-column 11, line 18 of Bell. The magnetic field generated by coil 80b and distributed in the common waveguide 73i is parallel to the direction of the laser beam and perpendicular to the laser beam output

surface. See Fig. 11 of Bell. Bell does not disclose, teach or suggest a magnetic write gap formed in a laser beam output position in the laser beam output surface, and having a length smaller than the spot diameter of the laser beam in the laser beam output surface, as recited in claims 1, 2, 5-7, 9-14 and 56-66.

Rottmayer discloses a recording head of high track density combined with a near field magneto-optical write element. Rottmayer discloses in Fig. 3 that the read element 62 has a width narrower than the laser aperture 88. However, the write gap, formed by elements 96 and 85, is larger than the laser aperture 88. Nowhere does Rottmayer disclose, teach or suggest a magnetic write gap having a length smaller than a spot diameter of the laser beam in the laser beam output surface. Therefore, Rottmayer does not supply the subject matter outlined above as lacking in Bell. Accordingly, Bell and Rottmayer, either individually or in combination, do not disclose, teach or suggest the subject matter recited in claims 1, 2, 5-7, 9-14 and 56-65.

For at least the above reasons, withdrawal of the rejection of claims 1, 2, 11 and 66 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 3-5 and 9 under 35 U.S.C. §103(a) over Nakao in view of Smith, or Bell in view of Rottmayer, and further in view of U.S. Patent No. 5,886,959 to Bischoff et al. This rejection is moot with respect to the canceled claims 3 and 4, and is respectfully traversed with respect to the remaining claims.

Bischoff discloses a device having a coil 44 wound around a central optical passage 70. The dimensions of optical passage 70 are chosen so as "not to interfere with the free passage of the optical beam 72". See Fig. 10 and column 5, lines 8-10 of Bischoff. Nowhere does Bischoff disclose, teach or suggest a magnetic write gap formed in a laser beam output position in the laser beam output surface, having a length smaller than the spot diameter of the laser beam in the laser beam output surface. Therefore, Bischoff does not

supply the subject matter outlined as lacking in Nakao, Smith, Bell and Rottmayer. Accordingly, Nakao, Smith, Bell, Rottmayer and Bischoff, either individually or in combination, do not disclose, teach or suggest the subject matter recited in claims 1, 2, 5-7, 9-14 or 56-66. Withdrawal of the rejection of claims 5 and 9 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 6 and 7 under 35 U.S.C. §103(a) over Nakao in view of Smith, or Bell in view of Rottmayer, and further in view of U.S. Patent No. 5,615,183 to Ishii et al. This rejection is respectfully traversed.

Ishii discloses a magnetic head 108 with a coil 2 formed by wire loops wound around a core member 4. See Fig. 3c and column 3, lines 21-37 of Ishii. Nowhere does Ishii disclose, teach or suggest a magnetic write gap having a length smaller than the spot diameter of the laser beam in the laser beam output surface. Therefore, Ishii does not supply the subject matter outlined above as lacking in Nakao, Smith, Bell and Rottmayer. Accordingly, Nakao, Smith, Bell, Rottmayer and Ishii, either individually or in combination, do not disclose, teach or suggest the subject matter recited in claims 6 and 7. Withdrawal of the rejection of claims 6 and 7 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claim 10 under 35 U.S.C. §103(a) over Nakao in view of Smith, or Bell in view of Rottmayer, and further in view of Official Notice. This rejection is respectfully traversed.

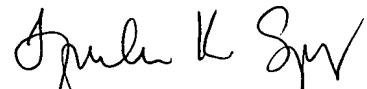
The Office Action takes Official Notice that the vertical cavity surface emitting semiconductor recited in claim 10 is considered to be of a well known type of semiconductor. However, Applicant respectfully submits that this does not address the claimed combinations of features including a magnetic write gap having a length smaller than the spot diameter of the laser beam in the laser beam output surface. Therefore, the Official Notice taken by the Office Action does not supply the subject matter outlined above as lacking in Nakao, Smith,

Bell and Rottmayer. Accordingly, Nakao, Smith, Bell, Rottmayer and the Official Notice, either individually or in combination, do not disclose, teach or suggest the subject matter recited in claim 10. Withdrawal of the rejection of claim 10 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 5-7, 9-14 and 56-66, in addition to claim 8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jaquelin K. Spong
Registration No. 52,241

JAO:JKS/aaw

Date: November 24, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461